

GUTTILLA MURPHY ANDERSON

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Attorneys for Dina L. Anderson, Chapter 7 Trustee

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF ARIZONA

In Re:

Jason D. LeVecke and Andrea Y. LeVecke;

In re:

Carl D. LeVecke and Neisha N. LeVecke

Debtors.

Case No. 2:16-bk-00639-DPC

2:16-bk-00640-DPC

(Jointly Administered)

Chapter 7

SUMMARY SHEET

Fees Previously Requested \$63,522.50

Fees Previously Awarded \$63,522.50

Expenses Previously Requested \$3,366.82

Expenses Previously Awarded \$3,366.82

Fees Awarded and Paid: \$63,522.50

Expenses Awarded and Paid: \$3,366.82

Current Application:

Fees Incurred \$40,140.00

Fees Requested \$40,140.00

Expenses Requested \$1,976.40

TOTAL Fees & Costs Requested: \$42,116.40

Applicant: Guttilla Murphy Anderson, PC

Role in Case: Attorney for Trustee

Professional &
Paraprofessionals

Hours Billed
Current Application

Effective Rate

Total for Invoice

Ryan W. Anderson 14.9 \$300.00/hour \$4,470.00

(Attorney)

Dawn Maguire 0.6 \$325.00/hour \$195.00

(Attorney)

Alisan M.B. Patten 125.7 \$275.00/ hour \$34,567.50

(Attorney)

Joanellen Campanaro 6.4 \$119.14/hour \$762.50

(Paralegal)

1	Christine Schmidt	0.8	\$150.00/hour	\$120.00
	(Paralegal)			
2	Cindy M. Ambrozic	0.2	\$125.00	\$25.00
	(Paralegal)			

Trustee's funds on hand: \$21,736.10

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(Jointly Administered)

Chapter 7

**SECOND AND FINAL APPLICATION
FOR COMPENSATION AND
REIMBURSEMENT OF EXPENSES
FOR COUNSEL OF TRUSTEE**

**Re: Jason and Andrea LeVecke
Bankruptcy Estate**

**TO BE NOTICED WITH TRUSTEE'S
FINAL REPORT**

Guttilla Murphy Anderson, P.C., counsel for Chapter 7 Trustee, Dina L. Anderson ("Trustee"), hereby makes its Second and Final Application for Compensation and Reimbursement of Expenses for services rendered on behalf of the Trustee. In support of this Application, Guttilla Murphy Anderson, P.C. (the "Firm"), submits its billing invoice for fees and costs incurred between the period of January 1, 2017 through July 16, 2018, attached hereto as Exhibit "A". In further support of this Application, the Firm represents the following:

BACKGROUND

1. On January 25, 2016, Jason D. LeVecke and Andrea Y. LeVecke (“Debtors”) filed a Voluntary Petition under Chapter 7 of the Bankruptcy Code. Thereafter, Dina L. Anderson was appointed as Chapter 7 Trustee (“Trustee”).

2. On February 9, 2016, the Firm filed its Application to Employ Counsel for Chapter 7 Trustee. The Firm’s employment as counsel was approved by Order of the Court entered on February 10, 2016.

3. This is the Firm’s Second and Final Application for Compensation and Reimbursement of Expenses. The Firm applies for compensation in the amount of \$40,140.00 and reimbursement of expenses in the amount of \$1,976.40 for services rendered from January 1, 2017 through July 16, 2018. Total compensation and reimbursement sought amounts to \$42,116.40.

4. The Firm has provided Trustee with a copy of this Application. The Trustee has reviewed this Application and approves the requested amount. The Trustee does not object to the payment of fees requested herein.

5. The hourly rates charged by professionals and paraprofessionals at the Firm were as follows:

Partners and Of Counsel	\$300.00 - \$325.00
Senior Associates	\$275.00
Associates	\$250.00
Law Clerks	\$125.00
Paralegals	\$85.00 - \$150.00

6. The rates charged by the Firm are customary rates charged by comparably skilled practitioners for similar services rendered in comparable bankruptcy proceedings.

7. All services for which compensation is requested were performed for and on behalf of the Trustee; all expenses for which reimbursement is requested were expended for and on behalf of the Trustee. Compensation is sought pursuant to 11 U.S.C. §§ 330(a), 331, and 503(a) and (b),

1 Fed. R. Bankr. P., Rule 2016(a) and the guidelines of the Office of the United States Trustee for
2 the District of Arizona.

3 8. Except as otherwise provided pursuant to 11 U.S.C. § 504(b)(1), the Firm has not
4 shared, nor agreed to share, compensation with any other individuals or entities.

5 9. The Firm requests the right to supplement this Application if additional fees and
6 costs are incurred.

7 **SERVICES PERFORMED AND COSTS INCURRED**

8 10. The Firm has rendered professional services to the Trustee since the date of filing
9 the employment application. The Firm has advised the Trustee with respect to all legal matters
10 relating to the administration of the estate herein, including the powers and duties of a trustee, the
11 collection and management of property of the estate, and has prepared and assisted the Trustee in
12 the preparation of necessary applications, motions, orders and other documents as required for the
13 proper administration of this estate.

14 11. Detailed accountings of the Firm's services performed and costs incurred on behalf
15 of the Trustee are set forth in the invoice attached hereto as Exhibit "A". The invoice includes a
16 "task-oriented" breakdown of services rendered and costs incurred in accordance with the United
17 States Trustee's guidelines concerning fee applications.

18 **PROJECT SUMMARY OF LEGAL SERVICES PERFORMED**

19 **A. CASE ADMINISTRATION**

20 12. During the Application period, the Firm was in regular communication with the
21 Trustee and interested parties and monitored, and continues to monitor, all matters concerning this
22 case. In connection with this task project category, the Firm has accrued total fees of amount of
23 \$662.50, representing 2.3 total hours of labor, as set forth in Exhibit "A".
24

B. ASSET ANALYSIS AND RECOVERY

13. The Firm expended substantial time assisting the Trustee in her efforts to account for, and collect, the Debtors' assets including, but not limited to, work in connection with the following: (1) Addressing issues with Amsberry Trust, which eventually resulting in a settlement agreement that paid \$2,000.00 for the benefit of the bankruptcy estate; (2) Addressing issues with respect claims against CliftonLarsonAllen LLP that resulted in \$8,750.00 recovery for the benefit of the bankruptcy estate; (3) Addressing issues resulting in a settlement between the Bankruptcy Estate Carl's Jr. Restaurants LLC; Carl Karcher Enterprises LLC; Hardee's Food Systems LLC; CKE Restaurants Holdings, Inc; Andrew F. Puzder; E. Michael Murphy; and Theodore Abajian which resulted in \$5,000.00 for the benefit of the bankruptcy estate; (4) Addressing issues with respect to the Sale of the Debtors membership interest in SE Puede Estrella, LLC which resulted in a total of \$16,000.00 for the benefit of the bankruptcy estate; and (5) Addressing issues with respect to the sale of sale of the Debtor's a 33.3% membership interest in Venshur, LLC, which resulted in \$21,000.00 for the benefit of the bankruptcy estate. In connection with this task category, the Firm has accrued total fees of \$36,352.5, representing 135.4 hours of labor, as set forth in Exhibit "A."

C. FEE/EMPLOYMENT APPLICATIONS

14. The Firm prepared and filed, on behalf of the Trustee, Trustee's Application to Employ the Firm as Counsel. The Firm has prepared this Application for Compensation and Reimbursement of Expenses, and has expended considerable effort in conforming its billing practices and categories to the United States Trustee's guidelines. In connection with this task category, the Firm has accrued total fees of \$3,097.50, representing 10.8 hours of labor, as set forth in Exhibit "A".

D. TAX ISSUES

15. The Firm represented Trustee in connection with tax issues concerning the Bankruptcy Estate and is working with Trustee's accountant to gather information and documentation needed to assist the accountant with the scope of his duties. The Firm continues to assist the Trustee and work with Trustee's accountant in connection with this task. In connection with this task project category, the Firm has accrued total fees of \$27.50, representing 0.1 hours of labor, as set forth in Exhibit "A".

REIMBURSEMENT FOR ACTUAL, NECESSARY EXPENSES

16. The Firm has incurred total expenses of \$1,976.40 on behalf of the Trustee herein. These expenses include photocopies, messenger services, filing fees, PACER charges, postage, and travel mileage. The Firm charges \$.20 for photocopies, and \$0.51 per mile for travel. All expenses incurred to third parties, such as Federal Express, mail, computer research, and parking are limited to the actual amount paid. All expenses are prorated where appropriate between the estate and other cases.

CASE STATUS

17. As of the date of this Application, the Trustee has cash on hand in the approximate amount of \$38,794.35.

18. At this time there are not sufficient assets in this estate to allow for the immediate payment of the fees requested in this application without prejudicing other administrative claims, and therefore, the fees and costs herein will need to be paid upon Trustee's closing of this case.

EVALUATING STANDARDS

19. Based upon its customary hourly rates, the Firm incurred fees during the Application Period totaling \$40,140.00. In accordance with 11 U.S.C. § 330, this amount was calculated using the hourly rate for professional and paraprofessionals involved. See also In re

1 Yermankov, 718 F.2d 1465, 1471 (9th Cir. 1983) (“the primary method used to determine
2 reasonable attorney’s fees in a bankruptcy case is to multiply the number of hours expended by an
3 hourly rate”). This has also been referred to as the “lodestar” or basic fee which, if warranted, can
4 be adjusted upward or downward. In that regard, the Ninth Circuit in Yermankov made specific
5 reference to Johnson v. Georgia Highway Express, Inc. 488 F.2d 713, 717-719(5th Cir. 1974), in
6 which the Firth Circuit listed twelve factors which should be considered in awarding attorneys’
7 fees in bankruptcy cases. See In re Nucorp Energy, Inc. 764 F.2d 655 (9th Cir. 1985). The Ninth
8 Circuit Bankruptcy Appellate Panel concluded that the “lodestar” approach, coupled with
9 consideration of the “Johnson factors” is the appropriate standard to be applied in awarding the
10 fees in a bankruptcy case. See In re Powerine Oil Co., 71 B.R. 767 (9th Cir. 1986).

11 In addition, the provisions of Section 330(a) place a premium on the timeliness of the
12 administration of the case. Compensable services must be “performed within a reasonable amount
13 of time commensurate with the complexity, importance and nature of the problem, issue or task
14 addressed”. 11 U.S.C. § 330(a)(3)(D). The results obtained within the time frame of this
15 Application illustrate that the Firm:

- 16 a. Possessed and used the expertise required to represent the Trustee in this
17 case;
- 18 b. Provided services necessary to the administration of this case; and,
- 19 c. Performed the services within a reasonable amount of time commensurate
20 with the complexity, importance and nature of each task.

21 Furthermore, based upon the customary compensation charged by comparably skilled
22 practitioners in non-bankruptcy cases, the results obtained within the time frame of this Application
23 and the rates charges for the services performed, the compensation requested is reasonable.
24

CONCLUSION

Based on the foregoing, the Firm respectfully requests an order of this Court approving and allowing the Firm's administrative claim for fees and costs in the total sum of \$42,116.40, to the firm herein upon Trustee's closing of this case and directing that this payment shall be subordinated to the fees and expenses due to the Chapter 7 Trustee.

Dated this 24th day of July, 2018.

GUTTILLA MURPHY ANDERSON, P.C.

/s/ Ryan W. Anderson

Ryan W. Anderson

Attorneys for the Chapter 7 Trustee

Copy of the foregoing mailed (and emailed where indicated) on July 24, 2018, to:

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In re Frontier Star CJ, LLC, Case No. 2:15-bk-09385;

13 *In re Frontier Star I, LLC*, Case No. 2:15-bk-146670-EPB;

In re MIH Admin Services, LLC, Case No. 2:15-14682-EPB

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- 4 Artemio and Flora Puedan
2124 Alexander Drive
Escondido, CA 92025-6408
- 5
- 6 BMW Financial Services
Customer Service Center
PO Box 3608
- 7 Dublin, OH 43016-0306
- 8 CAJR, LLC
PO Box 2219
- 9 Capistrano Beach, CA 92624-0219
- 10 Capital One Bank (USA), N.A.
PO Box 71083
- 11 Charlotte, NC 28272-1083
- 12 Manny Hirschel
112 Timberlodge Court
- 13 Roseville, CA 95747-8714
- 14 Nine Crown LLC
c/o Michael A. Jones
- 15 Allen Barnes & Jones PLC
1850 N. Central Ave., Suite 1150
- 16 Phoenix, AZ 85004-4512
- 17 P. Gregg Curry, Chapter 11 Trustee
Navigant
- 18 201 E. Washington Street, Suite 1700
Phoenix, AZ 85004-2245
- 19
- 20 PAR/HVB Equipment Capital LLC
101 South Salina Street
Syracuse, NY 13202-1311
- 21
- 22 PYOD, LLC
Resurgent capital Services
PO Box 19008
- 23 Greenville, SC 29602-9008
- 24

- 1 Raymond Walls
- 2 PO Box 27263
- 3 Santa Ana, CA 92799-7263
- 4
- 5 Siesta Foothills
- 6 c/o Associa Arizona
- 7 1225 Alma Road #100
- 8 Richardson, TX 75081-2298
- 9
- 10 SJFT LLC
- 11 Attn: Yih G. Jan
- 12 3819 E. Amberwood Drive
- 13 Phoenix, AZ 85045-7354
- 14
- 15 The Orthopedic Clinic Assoc
- 16 2222 E. Highland Ave #300
- 17 Phoenix, AZ 85016-4879
- 18
- 19 Tru-West
- 20 PO Box 3489
- 21 Scottsdale, AZ 85271-3489
- 22
- 23 /s/ Joannellen Campanaro
- 24

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